

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 03-cr-200-01-PB

Christian Burgos

O R D E R

By motion received on September 26, 2008, the defendant requested the court appoint him counsel to pursue a sentence reduction based upon the amendments to the Federal Sentencing Guidelines regarding cocaine base ("crack cocaine") offenses (document no. 39). On a preliminary review of this request, it appears that the defendant is not entitled to a reduction in his sentence because he was deemed to be a career offender. See USSG §1B1.10(a)(2)(B).

Therefore, the Motion for the Appointment of Counsel (document no. 39) is denied without prejudice. The court may reconsider this denial if the defendant files a new Motion for Appointment of Counsel indicating why he is potentially eligible for a sentence reduction despite his career offender status.

SO ORDERED.

Date: 10/8/2008

/s/ James R. Muirhead

James R. Muirhead

United States Magistrate Judge

cc: Christian Burgos, pro se